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11 UNITED STATES DISTRICT COURT

12 DISTRICT OF NEVADA

13 THE UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 CHANDAN MANANSINGH

17 Defendants.

CASE NO. 2:16-cr-00140-JCM-VCF

**STIPULATION AND ORDER TO
CONTINUE PRETRIAL MOTIONS,
RESPONSES AND REPLY DEADLINES
(FIRST REQUEST)**

18 **IT IS HEREBY STIPULATED AND AGREED** by and between Daniel G. Bogden,
19 United States Attorney, Phillip N. Smith, Assistant United States Attorney; and Vincent Savarese
20 III, Esq., of the law firm of Gentile Cristalli Miller Armeni Savarese, attorney for Defendant
21 Chandan Manansingh ("Mr. Manansingh"), that the pretrial motions in this matter be continued
22 for two (2) weeks from the date of this order or to a date and time convenient to this Honorable
23 Court.

24 Pursuant to LCR 12-1(a)(2), responses to the pretrial motions in this matter will be due
25 fourteen (14) days after the filing of the pretrial motions.

26 Pursuant to LCR 12-1(a)(3), replies to the responses to the pretrial motions will be due
27 seven (7) days after the filing of the responses.

28 This Stipulation is entered into for the following reasons:

1. That Mr. Manansingh's previous attorney, Stephen Stein, Esq., has become
gravely ill, and therefore, Vincent Savarese III, Esq., was just retained to substitute in as new
counsel in this matter on September 20, 2016.

1 2. That a Stipulation to Continue Trial and Related Deadlines (Dkt #15), was filed
2 on July 5, 2016.

3 3. That on July 6, 2016 an Order granting the Stipulation to Continue Trial and
4 Related Deadlines (Dkt #16) was filed, however, no set dates were provided in the Order for the
5 filing of pretrial motions, responses, and replies.

6 4. That the previously set deadlines for the filing of the pretrial motions, responses
7 and replies have come and gone without the filing of any pretrial motions by previous defense
8 counsel.

9 5. That the undersigned new counsel for Mr. Manansingh has determined that it is
10 necessary that certain pretrial motions be filed in this case concerning constitutional and other
11 legal issues requiring pretrial determination.

12 6. That the undersigned counsel requires an adequate opportunity to properly
13 research and prepare such pretrial motions.

14 7. That the additional time requested by this Stipulation is excludable in computing
15 the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18
16 United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section
17 3161(h)(7)(A), when considering the factors under 18 United States Code, Section
18 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).

19 8. That the additional time requested herein is not sought for purposes of delay and
20 the denial of this request for a continuance could result in a miscarriage of justice.

21 9. That for all the above-stated reasons, the ends of justice would be best served by
22 the continuance of the pretrial motion, response and reply deadlines.

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1 10. That this is the first request for a continuance of the pretrial motion, response and
2 reply deadlines by new defense counsel.

3 Dated this 7th day of October, 2016.

Dated this 7th day of October, 2016.

4 DANIEL BOGDEN
5 UNITED STATES ATTORNEY

GENTILE CRISTALLI
MILLER ARMENI SAVARESE

6 By: /s/Phillip Smith
7 PHILLIP SMITH
8 Assistant United States Attorney
Attorney for Plaintiff,
9 UNITED STATES OF AMERICA

By: /s/Vincent Savarese, III
VINCENT SAVARESE III, ESQ.
Attorney for Defendant,
CHANDAN MANANSINGH

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHANDAN MANANSINGH

Defendants.

CASE NO. 2:16-cr-00140-JCM-VCF

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

Based upon the pending Stipulation of counsel, and good cause appearing therefor, the Court hereby finds that:

1. That Mr. Manansingh's previous attorney, Stephen Stein, Esq., has become gravely ill, and therefore, Vincent Savarese III, Esq., was just retained to substitute in as new counsel in this matter on September 20, 2016.

2. That a Stipulation to Continue Trial and Related Deadlines (Dkt #15), was filed on July 5, 2016.

3. That on July 6, 2016 an Order granting the Stipulation to Continue Trial and Related Deadlines (Dkt #16) was filed, however, no set dates were provided in the Order for the filing of pretrial motions, responses, and replies.

4. That the previously set deadlines for the filing of the pretrial motions, responses and replies have come and gone without the filing of any pretrial motions by previous defense counsel.

5. That new counsel for Mr. Manansingh has determined that it is necessary that certain pretrial motions be filed in this case concerning constitutional and other legal issues requiring pretrial determination.

6. That new counsel requires an adequate opportunity to properly research and prepare such pretrial motions.

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7. That the additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), when considering the factors under 18 United States Code, Section 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).

9. That the additional time requested herein is not sought for purposes of delay and the denial of this request for a continuance could result in a miscarriage of justice.

10. That for all the above-stated reasons, the ends of justice would be best served by the continuance of the pretrial motion, response and reply deadlines.

11. That this is the first request for a continuance of the pretrial motion, response, and deadlines by new defense counsel.

CONCLUSIONS OF LAW

Based on the fact that counsel have agreed to a continuance of the trial date, the Court hereby concludes that:

1. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), when considering the factors under 18 United States Code, Section 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).

2. The ends of justice are served by granting a continuance and outweigh the best interest of the public and the Defendants' right to a speedy trial, since the failure to grant a continuance would be likely to result in a miscarriage of justice, as it would deny the parties herein sufficient time, and the opportunity, within which to effectively and thoroughly prepare pretrial motions, responses and replies, taking into account the exercise of due diligence.

ORDER

IT IS HEREBY ORDERED pursuant to LCR 12-1(a)(1), that any and all pretrial motions are hereby due on or before the 4th day of November, 2016.

1 **IT IS FURTHER ORDERED** pursuant to LCR 12-1(a)(2) that any and all responses to
2 pretrial motions are hereby due on or before the 16th day of November, 2016.

3 **IT IS FURTHER ORDERED** pursuant to LCR 12-1(a)(3) that any and all replies to any
4 and all responses to the pretrial motions are hereby due on or before the 23rd day of
5 November, 2016.

6 **DATED** this 7th day of October, 2016.

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8 ~~JUDGE JAMES C. MAHAN~~
9 ~~UNITED STATES DISTRICT COURT~~

10 Cam Ferenbach
11 United States Magistrate Judge
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